



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

APR 18 2016

OFFICE OF
WATER AND WATERSHEDS

Ms. Fran Wilshusen
Habitat Services Manager
Northwest Indian Fisheries Commission
6730 Martin Way E
Olympia, Washington 98516

Dear Ms. Wilshusen:

I am following up regarding the Environmental Protection Agency 2010-2016 Puget Sound Tribal Lead Organization grant to the Northwest Indian Fisheries Commission (NWIFC), sub-award to the Swinomish Tribe for public education and outreach.

A number of external parties have raised questions as to the legality and appropriateness of the activities funded by this sub-award. The EPA must take these allegations seriously and is committed to following up as expeditiously as possible based on review of the facts. Your thorough analysis as grantor is an important element in verifying the allowability of costs. As the recipient, NWIFC agreed to "Maintain primary responsibility for ensuring successful completion of the EPA-approved project (this responsibility cannot be delegated or transferred to a subrecipient);" and "monitor the performance of their recipients and ensure that they comply with all applicable regulations, statutes, and terms and conditions which flow down in the subaward;" Administrative Condition 16.a(2) and (7).

In conversations over the past two weeks, the EPA has shared our concerns with you that some of the work on the Swinomish sub-award related to the "whatsupstream" public education project may not be in compliance with the terms and conditions of the cooperative agreement (PA-00J32201).

We request that you immediately conduct a review to ensure compliance with all the grants terms and conditions that flow down to the Swinomish sub-award.

We propose a meeting with you no later than Wednesday, April 27, to review the issues and assess the sub-award that funded the expenditures. The EPA staff will call in the next day to schedule this meeting.

In the interim, we are requesting that all "whatsupstream" advertising in all media cease immediately and no EPA funds be drawn down to pay for costs associated with this sub-award until we have had the chance to discuss the results of the review and assessment.

The EPA remains committed to working with NWIFC to resolve these concerns. If you have any questions, please do not hesitate to contact me at (206) 553-1148.

Sincerely,

A handwritten signature in black ink, appearing to be 'P. Murchie', with a long horizontal flourish extending to the right.

Peter Murchie,
Puget Sound and NEP Program Manager

cc: Dietrich Schmitt (NWIFC)
Ken Currens (NWIFC)